



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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B-177671

May 14, 1973

Mr. Thomas M. Murphy
Chief, Claims Branch
Finance and Program Accounting Division
Food and Nutrition Service
United States Department of Agriculture

Dear Mr. Murphy:

Reference is made to your letter of April 18, 1973, with enclosures, requesting review of decision B-177671, March 13, 1973, disallowing the reclaim of Mr. Robert B. Peck, an employee of your agency. The reclaim represents mileage and expenses incurred by Mr. Peck in relocating his mobile home incident to a canceled transfer of station which had been administratively disallowed.

The facts and reasons for our determination are stated in our decision and will not be repeated in detail here. The record indicates that pursuant to a proposed transfer of station from St. Paul, Minnesota, to Marquette, Michigan, which was to be effective April 5, 1971, Mr. Peck performed a house hunting trip and gave his landlord 30 days notice that he would be vacating his mobile home rental space. On April 2, 1971, Mr. Peck was informed that his transfer was canceled. Since Mr. Peck's mobile home space had already been rented to another person, he was required to move his mobile home. Mr. Peck submitted a travel voucher for \$1,194.25. Your agency paid items totaling \$689.06 and disallowed the difference of \$505.19. The disallowance of \$505.19 consists of an item of \$16.64 representing mileage and items totaling \$488.55 incident to the relocation of the mobile home. Mr. Peck's reclaim voucher for \$505.19 was submitted to our Office for a determination as to whether it could be certified for payment. After a careful examination of all items claimed and the governing regulations in Office of Management and Budget Circular No. A-56, revised June 26, 1969, it was held in the decision of March 13, 1973, that Mr. Peck had been paid the correct amount and, therefore, his reclaim of the disallowed items could not be certified for payment.

Mr. Peck has taken exception to our decision. However, he has not submitted any new facts or stated any reasons for his belief that our decision is incorrect. His request for review is apparently based on

[Reclaim for Mileage and Relocation Expenses]

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the fact that he was required to pay certain expenses to comply with his proposed transfer and, therefore, should be reimbursed for such expenses.

Sections 5724 and 5724a of title 5, United States Code, authorize the payment of travel, transportation, and relocation allowances to employees transferred in the interest of the Government under such regulations as the President may prescribe. Office of Management and Budget Circular No. A-56 was promulgated to implement the above statutes in accordance with authority delegated by the President to the Director, Office of Management and Budget, by Executive Order 11230, June 28, 1965, as amended by Executive Order 11290, July 21, 1966. Such regulations are, therefore, statutory in nature and may not be waived.

It has been held that when the transfer of an employee has been canceled, the expenses incurred by him may be allowed to the extent that they would have been allowable had the transfer been consummated. Since the house hunting trip here had been performed prior to the cancellation of the transfer and the move of the mobile home was made as a result of Mr. Peck's compliance with the proposed transfer, he was entitled to reimbursement under the provisions of Circular No. A-56.

A review of the file indicates that Mr. Peck's claim was for consideration under the provisions of sections 2, 3, and 9 of Circular No. A-56 and that it was properly paid. In this connection it is to be noted that expenses of relocating a mobile home are limited to the transportation expenses provided for in section 9 of the Circular and certain miscellaneous expenses provided for in section 3 of the Circular.

The disallowed items (except the mileage item of \$16.64) in connection with the move of the mobile home represent miscellaneous expenses. We note that section 3.3b of Circular No. A-56 provides that when miscellaneous expenses are itemized the allowance therefor shall not exceed the equivalent of 2 weeks' basic pay or the maximum rate of GS-13, whichever is less. In the instant case Mr. Peck was paid \$385, the maximum amount allowable. Therefore, even if the additional amounts claimed by Mr. Peck could be included in the miscellaneous expenses allowance, his allowance could not be increased inasmuch as he has been paid the maximum allowable.

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In view of the above our decision is hereby affirmed.

Sincerely yours,

Paul G. Dembling

For the Comptroller General
of the United States

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